

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

Christopher Polansky

v.

Civil No. 12-cv-105-PB

William L. Wrenn, Commissioner,
New Hampshire Department of
Corrections, et al.

O R D E R

Before the court is Christopher Polansky's complaint (doc. no. 1), filed pursuant to 42 U.S.C. § 1983 and state law, asserting violations of his constitutional and federal statutory rights. Because Polansky is a prisoner, the matter is before the court for preliminary review to determine if the complaint states any claim upon which relief might be granted. See 28 U.S.C. § 1915A(a); United States District Court District of New Hampshire Local Rule ("LR") 4.3(d)(2).

Service

As explained fully in a report and recommendation issued simultaneously with this order, Polansky has stated claims upon which relief might be granted as follows: (1) an Eighth Amendment claim, as well as state law claims, alleging inadequate medical care, for the denial of physical therapy,

against defendants Dr. Celia Englander, Bernice Campbell, and Helen Hanks, in their individual capacities; (2) an Eighth Amendment claim alleging the denial of a safe shower facility, against Warden Richard Gerry in his individual capacity; (3) a First Amendment familial association claim against Major John Fouts and Gerry in their individual capacities; and (4) ADA and Rehabilitation Act claims alleging the denial of reasonable accommodations to make the prison shower safe for Polansky and to allow Polansky to have contact visits, against the New Hampshire Department of Corrections. Accordingly, the court now directs service of these claims on the identified defendants.

To serve process on Dr. Celia Englander, the Clerk's office shall issue a summons against Dr. Englander, at the address provided for the NHSP Medical Department, and shall forward to the office of the United States Marshal for the District of New Hampshire (the "U.S. Marshal") the summons and copies of the complaint (doc. no. 1), the report and recommendation issued this date, and this order. Upon receipt of the necessary documentation, the U.S. Marshal shall make service upon Dr. Englander. See Fed. R. Civ. P. 4(c)(3).

As to the remaining defendants, the Clerk's office is directed to serve the New Hampshire Office of the Attorney

General ("AG"), as provided in the Agreement on Acceptance of Service, electronic copies of the report and recommendation issued this date, this order, and the complaint (doc. no. 1). See LR 4.3(d)(2)(C). Within thirty days from receipt of these materials, the AG will submit an Acceptance of Service notice to the court specifying whether each defendant has authorized the AG to receive service on his or her behalf. When the AG files the Acceptance of Service, service will be deemed made on the last day of the thirty-day period.

If any defendant does not authorize the AG to receive service on his or her behalf, or the AG declines to represent any defendant, the AG shall, within thirty days from receipt of the aforementioned materials, provide to the court the last known address of that defendant. In that event, the Clerk's office is instructed to complete and issue a summons for that defendant, using the last known address provided, and forward the summons, along with the above-listed documents, to the U.S. Marshal to complete service on the defendant in accordance with this Order and Fed. R. Civ. P. 4(c)(3).

Defendants are instructed to answer or otherwise plead within twenty days of service. See Fed. R. Civ. P. 12(a)(1)(A). Plaintiff is instructed that all future pleadings, written

motions, notices, or similar papers shall be served directly on the defendants by delivering or mailing the materials to the defendants or their attorney(s), pursuant to Fed. R. Civ. P. 5(b).

SO ORDERED.

A handwritten signature in black ink, appearing to be 'L. McCafferty', written over a horizontal line.

Landya McCafferty
United States Magistrate Judge

May 30, 2012

cc: Christopher Polansky, pro se

LBM:jba